**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION.**

**INCOME TAX APPEAL (L) No.849/2004.**
**WITH**
**NOTICE OF MOTION No. 2223/2004**

The Commissioner of
Income-tax ..Appellant.

Vs.

M/s. Borax Morarjee Ltd. ..Respondent.

Mr Ashok Kotangale, Adv. for Appellant.

Mr V. S.Hadade, Advocate for the Respondent.

**CORAM:DR.S. RADHAKRISHNAN**
**AND V.C. DAGA,JJ.**
**DATED:19th June, 2007.**

**P.C.:-**

1. Heard learned counsel for the parties.

2. The learned counsel for the appellant seeks leave to withdraw the above appeal. The appeal is allowed to be withdrawn and dismissed as such.

3. Proper court fee be refunded in the above appeal as per rules.

4. In view of withdrawal of the Appeal, the notice of motion does not survive and notice of motion stands disposed of accordingly.

**(V.C. DAGA,J.)** **(DR.S. RADHAKRISHNAN,J.)**